

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

NATHON L. KUSEK,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-12-666-D
	)	
JAMES EZELL,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner, a prisoner appearing *pro se*, brought this action seeking habeas corpus relief pursuant to 28 U. S. C. § 2254. In accordance with 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Bana Roberts for initial proceedings.

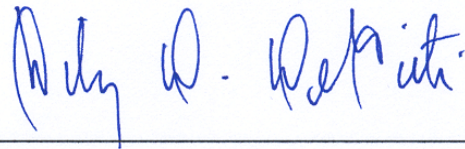
Petitioner filed a motion for leave to proceed *in forma pauperis* [Doc. No. 6] and, on July 9, 2012, the Magistrate Judge filed a Report and Recommendation [Doc. No. 7] in which she recommended that the motion be denied because the record reflects that Petitioner has sufficient funds to prepay the \$5.00 filing fee. Accordingly, she recommended that Petitioner be ordered to prepay the full \$5.00 filing fee necessary to allow this action to proceed. She also recommended that, if the Court adopts the recommendation, Petitioner be ordered to pay the \$5.00 fee within twenty days.

In the Report and Recommendation, the Magistrate Judge expressly advised Petitioner of his right to file an objection, and she set a July 30, 2012 deadline for filing any objection. She also cautioned Petitioner that his failure to timely object to the Report and Recommendation would constitute a waiver of his right to appellate review of the findings and conclusions set forth therein.

The July 30 deadline has expired, and Petitioner has not filed an objection or sought an

extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 7] is adopted as though fully set forth herein. Petitioner's motion to proceed *in forma pauperis* [Doc. No. 6] is DENIED, and Petitioner is directed to pay the full \$5.00 filing fee to the Clerk of this Court no later than twenty days from the date of this Order. Petitioner is cautioned that his failure to do so will result in the dismissal of this action without prejudice.

IT IS SO ORDERED this 23<sup>rd</sup> day of August, 2012.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE